IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1869 OF 2007

Dastagir Karamat Khan @ Dastu. ..Petitioner.
Versus
The State of Maharashtra
and 2 Ors. ..Respondents.

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Mr.N.N.Gavankar, Adv. with Mr.Arfan Sait, Adv. for the Petitioner.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 19, 2007.

P.C.:-

1. Heard.

2. Considering the facts and circumstances, though in normal circumstances on account of delay in surrendering after enjoying the parole leave the person is liable for punishment in the nature of forfeiture of the benefits available by reducing the same five times to the number of days delayed in surrendering, in our considered opinion it would suffice to reduce such benefits

to the extent of double the days of delay in surrendering. Since there was delay of 34 days in surrendering and though the forfeiture has been imposed of 170 days by 1:5 ratio, the same is directed to be reduced to 1:2 ratio thereby the forfeiture be restricted to 68 days. With the said direction, the Petition is disposed of. As regards the other reliefs, the Petition stands rejected.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]